

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CONSOLIDATED ACTION

CASE NO. 22-61611-CIV-DIMITROULEAS

JOELLA R. TILLERY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

_____ /

CASE NO. 22-61858-CIV-DIMITROULEAS

ELISABETH HERNANDEZ-DIAS,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

_____ /

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff, JOELLA R. TILLERY, and Defendant, UNITED STATES OF AMERICA, through their respective undersigned counsel, respectfully submit a joint motion to dismiss with prejudice. Plaintiff Tillery filed her Amended Complaint [D.E. 6] pursuant to the Federal Tort Claims Act (“FTCA”) alleging that she suffered injuries from a car accident with the United States Postal Service. Plaintiff Tillery and Defendant have reached an agreement to settle this case and have formally executed a settlement agreement.

Pursuant to S.D. Fla. L.R. 7.1(a)(3), Defendant's counsel attempted to contact Plaintiff Hernandez-Dias's counsel, Peter Somera, via email on Tuesday, October 31, 2023, Wednesday, November 1, 2023, and orally, by leaving a message with his paralegal, on Thursday, November 2, 2023, to obtain Plaintiff Hernandez-Dias's position on the relief requested herein. However, Defendant's counsel could not reach Mr. Somera.

WHEREFORE, pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff Tillery and Defendant respectfully request that the Court dismiss all Plaintiff Tillery's claims in this matter with prejudice pursuant to the parties' settlement, with each party to bear its own costs and fees.

Respectfully Submitted,

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